

Federal Insurance Company: K40457173

Pacific Indemnity Company: K40457185

SONY MUSIC ENTERTAINMENT, ET AL,

Plaintiffs,

V.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

)  
)  
)  
)  
)  
) Case No. 1:18cv950  
) Hon. Liam O’Grady  
)  
)  
)

**SUPERSEDEAS**  
**BOND**

**KNOW ALL MEN BY THESE PRESENTS**, that COX COMMUNICATIONS, INC. and COXCOM, LLC, as Principals, and Liberty Mutual Insurance Company and Federal Insurance Company and Pacific Indemnity Company, as Sureties, (each a “Surety” and collectively “Sureties”) are held and firmly bound unto SONY MUSIC ENTERTAINMENT, as Obligee, in the Bond Amount of ONE BILLION TWO MILLION ONE THOUSAND DOLLARS (\$1,002,001,000.00) for the payment of which, well and truly to be made, we bind ourselves, our successors and assigns, severally, by Sureties (subject to the individual Surety limits below), firmly by these presents.

**WHEREAS**, COX COMMUNICATIONS, INC. and COXCOM, LLC have filed an appeal to the United States Court of Appeals for the Fourth Circuit (Case No. 1:18cv950) from the judgment entered in this action (ECF No. \_\_\_\_\_);

**NOW THEREFORE**, the conditions of this obligation is such that (i) if the judgment is

vacated, then this obligation shall be null and void and released; or (ii) if the appeal is dismissed, or if the judgment is affirmed in whole or in part, and either COX COMMUNICATIONS, INC. or COXCOM, LLC shall pay such judgment as a result of the appeal, then this obligation shall be null and void and released; otherwise this obligation will remain in full effect force and effect, provided, however, that the maximum amount of liability for each Surety shall be limited to the following amounts:

Liberty Mutual Insurance Company, a Massachusetts Corporation, Five Hundred Million Dollars (\$501,000,500.00) (50%)

Federal Insurance Company, an Indiana Corporation, Three Hundred Fifty Million Seven Hundred Thousand Three Hundred Fifty Dollars (\$350,700,350.00) (35%)

Pacific Indemnity Company, a Wisconsin Corporation, One Hundred Fifty Million Three Hundred Thousand One Hundred Fifty Dollars (\$150,300,150.00) (15%)

WHEREAS, it is expressly provided that the obligation of each Surety shall be several and not joint, and no Surety shall be liable in an amount greater than its respective maximum amount of liability set forth above, nor shall any Surety's liability be increased or affected hereunder in any way whatsoever as a result of the performance or non-performance by any other Surety of such other Surety's obligation under this Bond. Any claim for payment by SONY MUSIC ENTERTAINMENT arising under this Supersedeas Bond shall be allocated to the percentage of each Surety's limit of liability relative to the aggregate amount of this Bond.


**IN WITNESS WHEREOF**, COX COMMUNICATIONS, INC. and COXCOM, LLC, as Principals, and Liberty Mutual Insurance Company, Federal Insurance Company and Pacific Indemnity Company, as Sureties, have hereunto set our hands this 8th day of February 2021.

**ATTEST/WITNESS:**

**FOR THE PRINCIPAL:**

**COX COMMUNICATIONS, INC.**

By: 

By:   
Title: VICE PRESIDENT

COXCOM, LLC

By: [Signature]

By: [Signature]  
Title: Vice President

**FOR THE SURETY:**

Liberty Mutual Insurance Company,

By: [Signature]  
Sharon J. Potts  
Title: Attorney in Fact

**FOR THE SURETY:**

Federal Insurance Company

By: [Signature]  
Sharon J. Potts  
Title: Attorney in Fact

**FOR THE SURETY:**

Pacific Indemnity Company

By: [Signature]  
Sharon J. Potts



Title: Attorney in Fact

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

By: \_\_\_\_\_

Deputy Clerk

**CHUBB<sup>®</sup>**

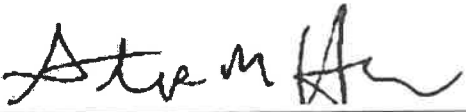
**SURETY BOND CORPORATE SEAL NOTICE AND ADDENDUM**

In an effort to facilitate the use of our respective corporate seals during the COVID-19 pandemic, PACIFIC INDEMNITY COMPANY ("PACIFIC INDEMNITY") has authorized its respective Attorneys-in-Fact to affix PACIFIC INDEMNITY'S corporate seal to any surety bond executed on behalf of PACIFIC INDEMNITY by any such Attorney-in-Fact by attaching this Notice and Addendum to said bond.

To the extent this Notice and Addendum is attached to a surety bond that is executed on behalf of PACIFIC INDEMNITY by its Attorney-in-Fact, PACIFIC INDEMNITY hereby agrees that the corporate seal below for PACIFIC INDEMNITY shall be deemed affixed to said bond to the same extent as if its raised corporate seal was physically affixed to the face of the bond.

Dated this 30th day of March, 2020.

PACIFIC INDEMNITY COMPANY

By:   
Stephen M. Haney, Vice President





This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company

## POWER OF ATTORNEY

**KNOWN ALL PERSONS BY THESE PRESENTS:** That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint,

Sharon J. Potts all of the city of Atlanta, state of Georgia each individually if there be more

than one named, its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the above-referenced surety bond.

**IN WITNESS WHEREOF,** this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 30th day of May, 2019.

Liberty Mutual Insurance Company  
The Ohio Casualty Insurance Company  
West American Insurance Company



By: *David M. Carey*

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 30th day of May, 2019, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

**IN WITNESS WHEREOF,** I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Teresa Pastella, Notary Public  
Upper Merion Twp., Montgomery County  
My Commission Expires March 28, 2021  
Member, Pennsylvania Association of Notaries

By: *Teresa Pastella*

Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

### ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

### ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company do hereby certify that this power of attorney executed by said Companies is in full force and effect and has not been revoked.

**IN TESTIMONY WHEREOF,** I have hereunto set my hand and affixed the seals of said Companies this 8th day of February, 2021.



By: *Renee C. Llewellyn*

Renee C. Llewellyn, Assistant Secretary



CHUBB

## Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint Maria Concepcion, Gary D. Eklund, D-Ann Kleidosty, Sharon J. Potts and Adrienne C. Stevenson of Atlanta, Georgia -----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this 13<sup>th</sup> day of September, 2019.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY

County of Hunterdon

SS.

On this 13<sup>th</sup> day of September, 2019, before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY**, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with Stephen M. Haney, and knows him to be Vice President of said Companies; and that the signature of Stephen M. Haney, subscribed to said Power of Attorney is in the genuine handwriting of Stephen M. Haney, and was thereto subscribed by authority of said Companies and in deponent's presence.

Notarial Seal



KATHERINE J. ADELAAR  
NOTARY PUBLIC OF NEW JERSEY  
No. 2316885  
Commission Expires July 16, 2024

Katherine J. Adelaar

Notary Public

## CERTIFICATION

Resolutions adopted by the Boards of Directors of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** on August 30, 2016:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of **FEDERAL INSURANCE COMPANY**, **VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect.
- (ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this 8th day of February, 2021



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:  
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com